



Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

YOR920010463US1 (8728-525)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on 4/7/06

Signature [Signature]

Typed or printed name Frank V. DeRosa

Application Number

10/007,084

Filed

December 4, 2001

First Named Inventor

Jaroslav Geric

Art Unit

2176

Examiner

Sain, Gautam

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

applicant/inventor.

[Signature]
Signature

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

Frank V. DeRosa

Typed or printed name

attorney or agent of record.

43,584

516-692-8888

Registration number _____

Telephone number

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

4/7/06
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

*Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Geric, et al.

Examiner: Sain, Gautam

Serial No: 10/007,084

Group: Art Unit 2176

Filed: December 4, 2001

Docket: YOR920010463US1 (8728-525)

For: **REUSABLE VOICEXML DIALOG COMPONENTS,
SUBDIALOGS AND BEANS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313

Statement in Support of Pre-Appeal Brief Request for Review

This paper is being filed in support of Applicants' Pre-Appeal Brief Request for Review.

A Notice of Appeal has been filed herewith in response to the Final Office Action mailed on December 7, 2005. Applicants respectfully contend that the claim rejections set forth in the Final Office Action are erroneous as a matter of law and/or fact.

CERTIFICATE OF MAILING 37 C.F.R. §1.8(a)

I hereby certify that this correspondence was deposited with the United States Postal Service as first class mail, postage paid in an envelope addressed to : Commissioner for Patents, P.O. Box. 1450, Alexandria, VA 22313-1450 on the date indicated below.

Dated: 4/7/06



Frank V. DeRosa

Claim Rejections – 35 U.S.C. § 103

(i) Claims 1-8, 10-12 and 33-34 stand rejected as being unpatentable over Vxml in view of Dodrill, as set forth on pages 2-5 of the Final Office Action.

Applicants respectfully assert that the Final Office Action fails to present a *prima facie* case of obviousness of claim 1 based on Vxml in view of Dodrill. More specifically, with respect to claim 1, it is submitted that the Final Action is devoid of any legally sufficient explanation as to how the combination of Vxml and Dodrill discloses or suggests the claim feature of *creating a re-entrant reusable VoiceXML dialog component that allow reusable VoiceXML dialog components to be one of initiated, interrupted, inspected, or resumed with a partially filled result object or state object*, as essentially recited in claim 1.

The Examiner essentially acknowledges that neither reference specifically discloses the claimed re-entrant objects, but provides (on page 3 of the Final Office Action) conclusory assertions to explain how such feature would have been “obvious” to one of ordinary skill in the art. In fact, other than a general reference to Dodrill’s teaching of dynamic generation of web content, the Examiner has not explained how Dodrill’s teachings would provide motivation for modifying Vxml to include *re-entrant reusable VoiceXML dialog component*, especially when the execution model of Vxml teaches against *re-entrant reusable VoiceXML dialog component* (e.g., see Vxml section 14.4).

Furthermore, with respect to claim 33, it is respectfully submitted that the combination of Vxml and Dodrill does not disclose or suggest a server-side speech application server comprising, *inter alia*, *a database of server-side reusable VoiceXML dialog components that are*

used by a page generation engine for generating an intermediate VoiceXML page. The Examiner relies on Dodrill (Col. 9, lines 1-5) as disclosing this feature (see page 5 of the Office Action), but offers no explanation as to how the cited section of Dodrill is even relevant to the claimed feature of server side *reusable VXML dialog components*. Dodrill merely discloses in the cited section an API that enables an application server (66) to issue service calls to backend applications. This is different from the claimed feature of generating an intermediate Voice XML page using reusable VXML dialog components as claimed in claim 33.

(ii) Claims 13-24 and 26-32 stand rejected under 35 U.S.C.103 as being unpatentable over Vxml in view of Sorsa and further in view of U.S. Patent No. 6,490,564 to Dodrill,

With respect to independent claim 13, for the reasons explained above, the combination of references does not disclose or suggests *reusable VoiceXML dialog components comprise one or more re-entrant reusable VoiceXML dialog component that allow reusable VoiceXML dialog components to be one of initiated, interrupted, inspected, or resumed with a partially filled result object or state object*, as recited in claim 13. The basis for this rejection is similar to that for claim 1 above and the Examiner does not rely on Sorsa for this rejection.

Furthermore, with respect to claims 28 and 32, the combination of Vxml and Sorsa and Dodrill ‘564 does not disclose or suggest *dynamically compiling a grammar for the invoked reusable VoiceXML dialog component*, as recited in claims 28 and 32. On page 10 of the Final Office Action, the Examiner expressly acknowledges that Vxml in view of Sorsa does not teach *dynamically compiling a grammar for the invoked reusable VoiceXML dialog component*. The Examiner relies on Col. 5, lines 60-67 of Dodrill ‘564 as disclosing such feature, where Dodrill

states:

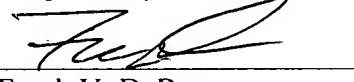
The XML documents are then stored for execution of the voice application server in the application runtime environment

It is respectfully submitted that the cited section does not remotely disclose or suggest *dynamically compiling a grammar for the invoked reusable VoiceXML dialog component*. The Examiner's reasoning is clearly based on hindsight reasoning.

Applicants respectfully contend that for at least the above reasons, the rejections of independent claims 1, 13, 28, 32 and 33 are improper and legally deficient.

Accordingly, withdrawal of the claim rejections is requested.

Respectfully submitted,



Frank V. DeRosa
Reg. No. 43,584
Attorney for Applicants

F. CHAU & ASSOCIATES, LLC
130 Woodbury Road
Woodbury, New York 11797
Tel: (516) 692-8888
Fax: (516) 692-8889